



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

200 Pine Street
Williamsport, PA 17701-6510
February 4, 1994

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Northcentral Regional Office

Mr. William D. Steuteville, On-Scene Coordinator
U.S. Environmental Protection Agency - Superfund Region III
841 Chestnut Building
Philadelphia, PA 19107-4431

WESTERN RESPONSE
SECTION

RE: Industrial Waste
Cerro Metal Products Company
Spring Township, Centre County



SDMS DocID 2008176

Dear Mr. Steuteville:

This letter is to confirm our position concerning the site assessment and remediation of the Cerro site for both short and long term concerns and how to accomplish this. You have been working with Thomas Schmick, Ronald Hughey, Martha Kern, Joan Sattler and John Sengle of my staff over the last year on this site. We are pleased with the technical assistance you and your team have provided in conducting extensive environmental sampling of this site to determine health, safety, and environmental issues. We were not surprised to learn that these issues are widespread and significant in nature. We are also pleased that the environmental trustees working on this case (the US EPA, the PA Fish and Boat Commission and PA DER) have a unified position with respect to the short and long term site assessment and remediation work needed.

The question as how to accomplish the short and long term assessment and remediation goals at Cerro needs to be answered. It is my understanding that you would expect us to finalize a formal legal document with Cerro within the next four months. The mechanism we would use to accomplish this would be to enter into a Consent Order and Agreement with Cerro requiring Cerro to do the following:

1. Conduct short term health, safety and environmental remediation work.
2. Conduct a long term EPA superfund quality RI/FS both onsite, off-site and at plant 5 and provide remedial recommendations.
3. Implement the remedial alternatives from step 2 above.
4. Payment of penalties for violations of the Clean Streams Law of Pennsylvania, the Pennsylvania Solid Waste Management Act and the Pennsylvania Fish and Boat Code for violations of these respective laws.

5. Adhere to schedules for accomplishing milestone events in both site assessment and remediation and a penalties schedule for failing to meet those milestone schedule date.
6. Provide quarterly progress reporting.
7. Comply with onsite and off-site cleanup standards for various contaminants identified in soil, sediment, surface water and groundwater.

Normally, finalization of a legal document of this nature on this type of site can be measured in years, not months. We are committed to working with Cerro toward this end, but I assure you that we will fall short of your desire for a formal legal document in four months. We have talked to our Office of Chief Counsel concerning this case and have received their commitment to work expeditiously to obtain an executed legal commitment from Cerro as quickly as possible.

Over the next several months we will discuss with Cerro the site evaluation and interim remediation plan which your staff is now finalizing, provide them with a draft legal document, and endeavor to secure commitments from them to initiate the interim work identified in the site evaluation report and any subsequent findings by the agencies involved. We do not intend to lead Cerro through this process or to be engaged in second guessing efforts or stall tactics by the company. Should we be rebuffed or stalled by Cerro, it is our intention to contact you and suggest that EPA proceed to issue an administrative order compelling Cerro to conduct an appropriate cleanup pursuant to Federal law.

We would like to keep the lead in completing this difficult cleanup, but frankly cannot agree to follow the schedule you propose. We do recognize the unique enforcement capabilities empowered by CERCLA, however, and have no intention of attempting to keep this lead role unless Cerro faces its environmental responsibilities and begins dealing with all of the agencies in a good faith manner.

If you have any questions at all concerning this letter or our approach with the Cerro site, please feel free to contact me at 717-327-3669.

Sincerely,



Daniel L. Alters
Environmental Protection Manager
Water Management Program

DLA:sdc

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cc: Thomas Schmick
John Sengle
Joan Sattler
Ronald Hughey
Martha Kern
Nels Taber
Mark Hartle - PA Fish And Board Commission

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